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Floyd Phillips

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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-191265

DATE: March 3, 1978

MATTER OF: Fred M. Cox, Inc.

DIGEST:

Protest addressed to Comptroller General in care of contracting agency and forwarded by agency to GAO is not for consideration since it was not received by GAO within 10 days after basis for protest was known as required by section 20.2(b)(2) of our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(2) (1977).

By cover letter dated February 8, 1978, the Department of Transportation, Federal Aviation Administration (FAA), Southern Region, forwarded to our Office a letter dated February 1, 1978, from Fred M. Cox, Inc. (Cox). Cox's letter, which was addressed to the Comptroller General in care of the FAA at its Southern Region address, protested the rejection of its bid submitted in response to invitation for bids (IFB) S055-8-17.

Section 20.2(b)(2) of our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(2) (1977), provides in part that "bid protests shall be filed not later than 10 days after the basis for protest is known or should have been known, whichever is earlier." The term "filed" as used in section 20.2(b) of the procedures means receipt in our Office.

According to Cox's letter of February 1, it received a letter dated January 24, 1978, from FAA rejecting its bid. We were advised by a Cox executive vice president that FAA's letter was received on January 26, 1978. This being the case, Cox had

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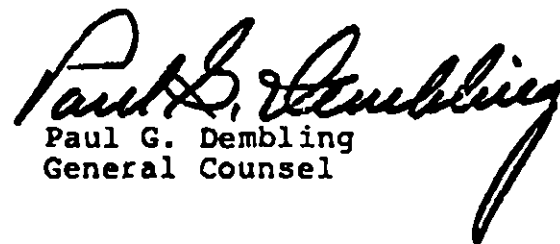
until February 9, 1978, to file a timely protest with our Office. Cox's letter of February 1, 1978, forwarded to us by FAA, was not received by our Office until February 13, 1978.

Section 20.1(b) of the Bid Protest Procedures, entitled "Filing of protest," specifically sets forth the address that must be used on protests as follows:

"Such protests must be in writing and addressed to the General Counsel, General Accounting Office, Washington, D.C. 20548. To expedite handling within the General Accounting Office, the address should include 'Attn: Bid Protest Control Unit.'"

The protest was not received in our Office within 10 working days after the basis of the protest was known. While perhaps the protest might have been timely had it been mailed directly to the address set forth in § 20.1(b), the fact remains that it was sent directly to FAA rather than GAO. Consequently, the protest was not filed within the prescribed 10-day period. See Johnny Ryan Company, B-185524, January 20, 1976, 76-1 CPD 35, and Energy Piping Systems, Inc., B-185573, January 29, 1976, 76-1 CPD 64, Graphic Litho Corporation, B-190928, January 9, 1978.

For the foregoing reasons, Cox's protest must be regarded as untimely and not for consideration on the merits.


Paul G. Dembling
General Counsel